

**Executive Summary – Enforcement Matter – Case No. 47911**  
**Efrain Franco and Christina Solis**  
**RN101242295**  
**Docket No. 2013-2035-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

One Forty Niner Club, 11628 State Highway 249, Houston, Harris County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 4, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$975

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$975

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47911**  
**Efrain Franco and Christina Solis**  
**RN101242295**  
**Docket No. 2013-2035-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** October 7, 2013  
**Date(s) of NOE(s):** October 23, 2013

***Violation Information***

1. Failed to collect routine distribution water samples for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to provide public notification regarding the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondents to:

- a. Within 30 days:
  - i. Begin complying with applicable coliform monitoring requirements by collecting routine coliform monitoring samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting; and
  - ii. Implement procedures to ensure that all necessary public notices are provided in a timely manner to customer of the Facility, including but not limited to providing public notification regarding the failure to conduct routine coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.ii.
- c. Within 225 days, submit written certification to demonstrate compliance with Ordering Provision a.i.

**Executive Summary – Enforcement Matter – Case No. 47911**  
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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Remington Burklund, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-2611; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Efrain Franco, Owner, 810 Pennington Street, Houston, Texas 77022  
Christina Solis, Owner, 810 Pennington Street, Houston, Texas 77022  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

|              |                 |             |                  |            |                |             |
|--------------|-----------------|-------------|------------------|------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 28-Oct-2013 | <b>Screening</b> | 1-Nov-2013 | <b>EPA Due</b> | 31-Mar-2014 |
|              | <b>PCW</b>      | 7-Nov-2013  |                  |            |                |             |

## RESPONDENT/FACILITY INFORMATION

|                             |                                   |  |                           |       |  |
|-----------------------------|-----------------------------------|--|---------------------------|-------|--|
| <b>Respondent</b>           | Efrain Franco and Christina Solis |  |                           |       |  |
| <b>Reg. Ent. Ref. No.</b>   | RN101242295                       |  |                           |       |  |
| <b>Facility/Site Region</b> | 12-Houston                        |  | <b>Major/Minor Source</b> | Minor |  |

## CASE INFORMATION

|  |                     |                              |                    |
|--|---------------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 47911               | <b>No. of Violations</b>     | 2                  |
| <b>Docket No.</b>                      | 2013-2035-PWS-E     | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                     | <b>Enf. Coordinator</b>      | Remington Burklund |
|  |                     | <b>EC's Team</b>             | Enforcement Team 3 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$1,000            |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$600**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **50.0%** Enhancement **Subtotals 2, 3, & 7** **\$300**

Notes Enhancement for ten NOV's with same/similar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondents do not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$85  
Approx. Cost of Compliance \$315  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$900**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **8.3%** **Adjustment** **\$75**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended for recovery of avoided costs of compliance for the violation.

**Final Penalty Amount** **\$975**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$975**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$975**

Screening Date 1-Nov-2013

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PCW

Respondent Efrain Franco and Christina Solis

Policy Revision 3 (September 2011)

Case ID No. 47911

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101242295

Media [Statute] Public Water Supply

Enf. Coordinator Remington Burklund

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 10                | 50%     |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for ten NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

Screening Date 1-Nov-2013

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PCW

Respondent Efrain Franco and Christina Solis

Policy Revision 3 (September 2011)

Case ID No. 47911

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101242295

Media [Statute] Public Water Supply

Enf. Coordinator Remington Burkland

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(i) and Tex. Health &amp; Safety Code § 341.033(d)

Violation Description

Failed to collect routine distribution water samples for coliform analysis for the month of August 2013.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

|           | Harm  |          |       |
|-----------|-------|----------|-------|
| Release   | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | x     |          |       |

Percent 15.0%

## &gt;&gt; Programmatic Matrix

|  | Falsification | Major | Moderate | Minor |
|--|---------------|-------|----------|-------|
|  |               |       |          |       |

Percent 0.0%

Matrix Notes Failure to perform routine coliform monitoring could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$150

One monthly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

|               |   |               |
|---------------|---|---------------|
| Extraordinary |   |               |
| Ordinary      |   |               |
| N/A           | x | (mark with x) |

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$244

This violation Final Assessed Penalty (adjusted for limits) \$244

# Economic Benefit Worksheet

**Respondent** Efrain Franco and Christina Solis  
**Case ID No.** 47911  
**Reg. Ent. Reference No.** RN101242295  
**Media** Public Water Supply  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |       |            |             |      |     |     |     |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        | \$145 | 7-Oct-2013 | 31-Jul-2014 | 0.81 | \$6 | n/a | \$6 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | n/a | \$0 |

### Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility operational guidance and conduct employee training to ensure that all required coliform distribution samples, including routine coliform samples are collected, calculated from the record review date to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |      |            |             |      |     |      |      |
|-------------------------------|------|------------|-------------|------|-----|------|------|
| Disposal                      |      |            |             | 0.00 | \$0 | \$0  | \$0  |
| Personnel                     |      |            |             | 0.00 | \$0 | \$0  | \$0  |
| Inspection/Reporting/Sampling |      |            |             | 0.00 | \$0 | \$0  | \$0  |
| Supplies/equipment            |      |            |             | 0.00 | \$0 | \$0  | \$0  |
| Financial Assurance [2]       |      |            |             | 0.00 | \$0 | \$0  | \$0  |
| ONE-TIME avoided costs [3]    | \$25 | 1-Aug-2013 | 31-Aug-2013 | 1.00 | \$1 | \$25 | \$26 |
| Other (as needed)             |      |            |             | 0.00 | \$0 | \$0  | \$0  |

### Notes for AVOIDED costs

The avoided cost includes the estimated amount (\$25 x 1 sample) to conduct routine coliform sampling, calculated for the month sampling was not conducted.

Approx. Cost of Compliance

\$170

**TOTAL**

\$32



Screening Date 1-Nov-2013

Docket No. 2013-2035-PWS-E

PCW

Respondent Efrain Franco and Christina Solis

Policy Revision 3 (September 2011)

Case ID No. 47911

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101242295

Media [Statute] Public Water Supply

Enf. Coordinator Remington Burklund

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to provide public notification regarding the failure to conduct routine coliform monitoring for the months of September 2012 through March 2013, May 2013, and June 2013.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0.0%

## &gt;&gt; Programmatic Matrix

| Falsification |       |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               | x     |          |       |

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 9

271 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$450

Nine single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

|               |   |               |
|---------------|---|---------------|
| Extraordinary |   |               |
| Ordinary      |   |               |
| N/A           | x | (mark with x) |

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$450

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$731

This violation Final Assessed Penalty (adjusted for limits) \$731

# Economic Benefit Worksheet

Respondent Efrain Franco and Christina Solis  
Case ID No. 47911  
Reg. Ent. Reference No. RN101242295  
Media Public Water Supply  
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Overtime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|----------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|----------------|-----------|

No commas or \$

## Delayed Costs

|                          |       |            |            |      |     |     |     |
|--------------------------|-------|------------|------------|------|-----|-----|-----|
| Equipment                |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$100 | 7-Oct-2013 | 1-Jul-2014 | 0.73 | \$4 | n/a | \$4 |

Notes for DELAYED costs

The other delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner. The date required is the record review date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |      |            |            |      |     |      |      |
|-------------------------------|------|------------|------------|------|-----|------|------|
| Disposal                      |      |            |            | 0.00 | \$0 | \$0  | \$0  |
| Personnel                     |      |            |            | 0.00 | \$0 | \$0  | \$0  |
| Inspection/Reporting/Sampling |      |            |            | 0.00 | \$0 | \$0  | \$0  |
| Supplies/equipment            |      |            |            | 0.00 | \$0 | \$0  | \$0  |
| Financial Assurance [2]       |      |            |            | 0.00 | \$0 | \$0  | \$0  |
| ONE-TIME avoided costs [3]    |      |            |            | 0.00 | \$0 | \$0  | \$0  |
| Other (as needed)             | \$45 | 1-Oct-2012 | 1-Sep-2013 | 1.84 | \$4 | \$45 | \$49 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$5 x 9 notifications), calculated for the months that public notifications were due.

Approx. Cost of Compliance

\$145

TOTAL

\$53

The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# TCEQ Compliance History Report

**Customer, Respondent, or Owner/Operator:** CN604146217, Efrain Franco **Classification:** UNCLASSIFIED **Rating:** -----  
**Regulated Entity:** RN101242295, ONE FORTY NINER CLUB **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 11628 STATE HIGHWAY 249 HOUSTON, TX 77086-4107, HARRIS COUNTY  
**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1012667  
**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** November 01, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** October 31, 2008 to October 31, 2013  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Remington Burklund **Phone:** (512) 239-2611

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
Item 1 April 22, 2010 (793317)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 01/29/2013 (1124581) CN604146217  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: 30 TAC Chapter 290, SubChapter F 290.122(f)  
SEP/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 09/2012.

- 2      Date: 02/21/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: OCT/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 10/2012.
- 3      Date: 03/22/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NOV/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 11/2012.
- 4      Date: 04/25/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DEC/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2012.
- 5      Date: 05/21/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: JAN/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 01/2013.
- 6      Date: 06/21/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: FEB/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 02/2013.
- 7      Date: 07/24/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: MAR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2013.
- 8      Date: 09/19/2013 (1124581)      CN604146217  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: 30 TAC Chapter 290, SubChapter F 290.122(f)  
MAY/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 05/2013.

9 Date: 10/14/2013 (1124581) CN604146217  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 08/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

10 Date: 10/21/2013 (1124581) CN604146217  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: JUN/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 06/2013.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 10/31/2008 and 10/31/2013**

- 1\*      Date:    01/29/2013    (1124581)      CN604146217  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:       30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
                    30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    SEP/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit  
                    a signed certificate of delivery to the Executive Director certifying that public  
                    notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time  
                    period that public notice was required for failing to conduct routine coliform  
                    monitoring for the month of 09/2012.
- 2\*      Date:    02/21/2013    (1124581)      CN604146217  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:       30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
                    30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    OCT/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit  
                    a signed certificate of delivery to the Executive Director certifying that public  
                    notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time  
                    period that public notice was required for failing to conduct routine coliform  
                    monitoring for the month of 10/2012.
- 3\*      Date:    03/22/2013    (1124581)      CN604146217  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:       30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
                    30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    NOV/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit  
                    a signed certificate of delivery to the Executive Director certifying that public  
                    notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time  
                    period that public notice was required for failing to conduct routine coliform  
                    monitoring for the month of 11/2012.
- 4\*      Date:    04/25/2013    (1124581)      CN604146217  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:       30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
                    30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    DEC/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit  
                    a signed certificate of delivery to the Executive Director certifying that public  
                    notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time  
                    period that public notice was required for failing to conduct routine coliform  
                    monitoring for the month of 12/2012.
- 5\*      Date:    05/21/2013    (1124581)      CN604146217  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:       30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
                    30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    JAN/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit  
                    a signed certificate of delivery to the Executive Director certifying that public  
                    notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time  
                    period that public notice was required for failing to conduct routine coliform  
                    monitoring for the month of 01/2013.
- 6\*      Date:    06/21/2013    (1124581)      CN604146217  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:       30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
                    30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    FEB/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit  
                    a signed certificate of delivery to the Executive Director certifying that public

|    |              |   |           |             |                 |          |
|----|--------------|---|-----------|-------------|-----------------|----------|
| 7* | Date:        | 07/24/2013  | (1124581) | CN604146217 | Classification: | Moderate |
|    | Self Report? | NO For Informational Purposes Only  |           |             |                 |          |
|    | Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.122(f)  |           |             |                 |          |
|    | Description: | MAR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2013. |           |             |                 |          |
|    |              |   |           |             |                 |          |
| 8  | Date:        | 09/19/2013  | (1124581) | CN604146217 | Classification: | Moderate |
|    | Self Report? | NO For Informational Purposes Only  |           |             |                 |          |
|    | Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.122(f)  |           |             |                 |          |
|    | Description: | MAY/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 05/2013. |           |             |                 |          |
|    |              |   |           |             |                 |          |
| 9  | Date:        | 10/14/2013  | (1124581) | CN604146217 | Classification: | Moderate |
|    | Self Report? | NO For Informational Purposes Only  |           |             |                 |          |
|    | Citation:    | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)<br>30 TAC Chapter 290, SubChapter F 290.109(f)(5)<br>30 TAC Chapter 290, SubChapter F 290.109(f)(7)  |           |             |                 |          |
|    | Description: | TCR Routine MR Violation 08/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.  |           |             |                 |          |
|    |              |   |           |             |                 |          |
| 10 | Date:        | 10/21/2013  | (1124581) | CN604146217 | Classification: | Moderate |
|    | Self Report? | NO For Informational Purposes Only  |           |             |                 |          |
|    | Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.122(f)  |           |             |                 |          |
|    | Description: | JUN/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 06/2013. |           |             |                 |          |

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**Customer, Respondent, or Owner/Operator:** CN604323543, Christina Solis

**Classification:** UNCLASSIFIED

**Rating:** -----

**Regulated Entity:** RN101242295, ONE FORTY NINER CLUB

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 11628 STATE HIGHWAY 249 HOUSTON, TX 77086-4107, HARRIS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1012667

**Compliance History Period:** September 01, 2008 to August 31, 2013

**Rating Year:** 2013

**Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** October 31, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 31, 2008 to October 31, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Remington Burklund

**Phone:** (512) 239-2611

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
Item 1      April 22, 2010      (793317)



**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:    01/29/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
  
Description:    30 TAC Chapter 290, SubChapter F 290.122(f)  
SEP/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 09/2012.
- 2      Date:    02/21/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    OCT/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 10/2012.
- 3      Date:    03/22/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    NOV/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 11/2012.
- 4      Date:    04/25/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:    DEC/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2012.
- 5      Date:    05/21/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
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- 6      Date:    06/21/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
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Description:    FEB/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 02/2013.
- 7      Date:    07/24/2013    (1124581)                      CN604323543  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2013.

- 8 Date: 09/19/2013 (1124581) CN604323543  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
  
Description: 30 TAC Chapter 290, SubChapter F 290.122(f)  
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- 9 Date: 10/14/2013 (1124581) CN604323543  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 08/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 10 Date: 10/21/2013 (1124581) CN604323543  
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Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
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**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 10/31/2008 and 10/31/2013**

- 1\*      Date:    01/29/2013      (1124581)      CN604323543  
Classification:      Moderate  
Self Report?   NO      For Informational Purposes Only  
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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



|                             |   |                       |
|-----------------------------|---|-----------------------|
| IN THE MATTER OF AN         | § | BEFORE THE            |
| ENFORCEMENT ACTION          | § |                       |
| CONCERNING                  | § |                       |
| EFRAIN FRANCO AND CHRISTINA | § | TEXAS COMMISSION ON   |
| SOLIS                       | § |                       |
| RN101242295                 | § | ENVIRONMENTAL QUALITY |

## AGREED ORDER DOCKET NO. 2013-2035-PWS-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Efrain Franco and Christina Solis ("Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondents.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondents own a public water supply located at 11628 State Highway 249 in Houston, Harris County, Texas (the "Facility") that has approximately one service connection and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on October 7, 2013, TCEQ staff documented that the Respondents did not collect routine distribution water samples for coliform analysis for the month of August 2013.
3. During a record review conducted on October 7, 2013, TCEQ staff documented that the Respondents did not provide public notification regarding the failure to conduct routine coliform monitoring for the months of September 2012 through March 2013, May 2013, and June 2013.
4. The Respondents received notice of the violations on November 1, 2013.

## **II. CONCLUSIONS OF LAW**

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondents failed to collect routine distribution water samples for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, the Respondents failed to provide public notification regarding the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Nine Hundred Seventy-Five Dollars (\$975) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondents have paid the Nine Hundred Seventy-Five Dollar (\$975) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondents are assessed an administrative penalty in the amount of Nine Hundred Seventy-Five Dollars (\$975) as set forth in Section II, Paragraph No. 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this

Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Efrain Franco and Christina Solis, Docket No. 2013-2035-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Begin complying with applicable coliform monitoring requirements by collecting routine coliform monitoring samples and providing water that meets the provisions regarding microbial contaminants in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting; and
    - ii. Implement procedures to ensure that all necessary public notices are provided in a timely manner to customer of the Facility, including but not limited to providing public notification regarding the failure to conduct routine coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.ii;
  - c. Within 225 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.i; and
  - d. The certification required by Ordering Provision Nos. 3.b and 3.c shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.



8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Efrain Franco and Christina Solis  
DOCKET NO. 2013-2035-PWS-E  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

7/23/14  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Efrain Franco and Christina Solis. I am authorized to agree to the attached Agreed Order on behalf of Efrain Franco and Christina Solis, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Efrain Franco and Christina Solis waive certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

04/21/14  
Date

EFRAIN FRANCO  
Name (Printed or typed)  
Authorized Representative of  
Efrain Franco

OWNER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Efrain Franco and Christina Solis  
DOCKET NO. 2013-2035-PWS-E  
Page 7

## SIGNATURE PAGE

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For the Commission

  
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7/23/14  
Date

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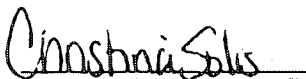
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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

04/21/14  
Date

  
Name (Printed or typed)  
Authorized Representative of  
Christina Solis

Director  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.